

LF 028  
(Rev. 11/04/2019)

1:22-CV-3082

**PRISONER CIVIL RIGHTS COMPLAINT**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF GEORGIA**

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

AUG - 4 2022

KEVIN P. WEIMER, Clerk  
By: *[Signature]* Deputy Clerk

David Zavala #01574120

(Enter above the full name and prisoner identification number of the plaintiff, GDC number if a state prisoner.)

-VS-

Warden Nash, Jail Admin.  
Whitehead, Cpt. Camarena,  
Lt. Odihambo, et al.

(Enter above the full name of the defendant(s).)

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the Court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**I. Previous Lawsuits**

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes ( ☒ ) No ( ☐ )

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

I. Parties to this previous lawsuit:

Plaintiff(s):

David Zavala, Pro se

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Defendant(s): Ward et al.

2. Court (name the district): Middle District of GA

3. Docket Number: 5:19-CV-00383-TES-CHW

4. Name of judge to whom case was assigned: Magistrate Wiegle

5. Did the previous case involve the same facts?

Yes ( ) No ( ☒ )

6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):  
Active Appeal in 11<sup>th</sup> Cir. # 21-10989-JJ  
(see attachments)

7. Approximate date of filing lawsuit: September 2019

8. Approximate date of disposition: March 2021  
→ (see attached) =

## II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Place of Present Confinement: U.S. Penitentiary of ATL

B. Is there a prisoner grievance procedure in this institution?

Yes ( ☒ ) No ( )

C. Did you present the facts relating to your complaint under the institution's grievance procedure?

Yes ( ☒ ) No ( )

D. If your answer is YES:

1. What steps did you take and what were the results?

Plaintiff made endless earnest attempts to exhaust despite this institution's many underhanded tactics to make the procedure unavailable eventually facing threats &



- Attachment page -

## I. PREVIOUS LAW-SUITS C. (Page 2)

1. ZAVALA v SPINDEL et al.,
2. Northern District of CA
3. 1:20-CV-04416-SDG - RDC
4. Assigned to Magistrate Regina Cannon
5. Different facts from this suit
6. Pending
7. Filed on or about September 2020 & Pending.

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on-going retaliations to this date.

2. If your answer is NO, explain why not:

### III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff:

David Zavala, pro se

Address(es):

USP of ATL  
PO BOX 150160  
Atlanta GA 30315

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s):

MS. C. Nash

Employed as

Warden

at

USP of ATL

- See Attached -

### IV. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

- ( ☒ ) Federal official (a *Bivens* claim)  
( ☐ ) State or local officials (a § 1983 claim)



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### III. Parties B. Defendants (page 3)

1. C. Nash as Warden
2. MS. Whitehead as Jail Administrator
3. Cpt. Brownfield as Capitan over SHU
4. Cpt. Camarena as current Capitan over SHU
5. Lt. Odihambo as Lt. over SHU
6. Lt. Harris as Lt. over SHU
7. Lt. Arnold as Lt. over SHU
8. Lt. Williams as Head Lt. of USP of ATL
9. MS. Peterson / Dorsey as Unit Manager of SHU
10. Mr. Johnson as Recreation officer of SHU
11. Mr. Westbrook as SHU officer

\*Each defendant is sued in both official & individual capacities at all times here mentioned commiter these acts & omissions under color of Federal Law while working for the BOP @ USP of ATL in Atlanta, GA.

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- B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

N/A

- C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

8<sup>th</sup> 5<sup>th</sup> & 14<sup>th</sup> Amendment Rights Under  
The U.S. Constitution

#### V. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee  
☐ Immigration detainee  
☒ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner  
☐ Other (*explain*) \_\_\_\_\_

#### VI. Statement of Claim

State here as briefly as possible the facts of your case. Tell the court WHAT you contend happened to you, WHEN the incident(s) you complain about occurred, WHERE the incident(s) took place, HOW your constitutional rights were violated, and WHO violated them. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1.) On or about December 18<sup>th</sup> 2019 I was transferred from State DOC custody to Federal BOP custody @ USP of ATL to be housed as a pre-trial detainee. Since before my arrival ~~this~~ this institution has been infamous for its mis-management, staff corruptions, inhumane conditions, & mass cover ups of such.

2.) Upon arrival I was housed in the pre-trial Detention Center Unit, until @ approximately 8pm, when Lt. Ddnambo declared I would be moved to "SHU" for no other reason other than "we gotta check you out". No disciplinary report or lock-up order was issued, nor did I receive any hearing for this deprivation of liberty. My first night @ USP of ATL was spent in SHU, & for the next 2 weeks, I was introduced to its draconian & inhumane conditions.

(See Attached pages 1-18)



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## II. Statement of Claims Continued...

3.) From the time of my arrival to new years eve of 2019 I made several complaints concerning the arbitrary manner in which I was placed in SHU; egregious & inhumane conditions of confinement to several unknown administrators including Lt. Odhombho; & on another occasion a man identified by other inmates as Cpt. Brownfield. The verbal complaints brought no relief. Both Cpt. & Lt. Claimed I would stay in SHU because I was "H-max" & informed I would have to wait until an unidentified pre-trial counselor made rounds to obtain grievances.

4.) Being unfamiliar with staff I decided to make a sign & post it on my door window denouncing the numerous violations occurring & requesting grievance forms. This was done in hopes to draw my counselor's attention or that of a higher authority. Days later & unknown black male which I believe was an assistant warden asked me questions after reading my signs. He promised to look into my situation & have me in my respective pre-trial unit if I took my sign down. A few days later on new years eve of 2019 I was finally released from SHU.

5.) Unfortunately on August 7<sup>th</sup>, 2020 I was caught in possession of a cell phone & again housed in SHU by August 12<sup>th</sup>. This time a disciplinary report was issued & I was sanctioned 30 days in SHU. Nonetheless, somehow my 30 sanction turned into an 18 month stay in some of the most punitive conditions dished out by the BOP.

6.) Upon submission to the SHU I was placed in one of the two security cells known as the "Left Pocket". Unsanitary



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## V. Statement of Claims Continued...

conditions, mold, mice, & insect infestations are the norm in every cell of this SHU. Upon being placed in the "Left Pocket" I pointed out to several officials including officer Westbrook & Lt. Odhambro that not only did the shower in the cell not work but also that the abnormally large & rusted metal bed frame bolted down in the middle of the cell deprived me of all but approximately 3 feet of space of mobility & that given the fact that this SHU is known not to run recreation I could lose my mind in that cell with no room to stretch & exercise.

7.) Both Cpt. Brownfield & Lt. Odhambro refused to move me to a cell that met my basic human needs of a shower & space to move around on several occasions for weeks, even the next day after maintenance informed them ~~the shower would~~ the shower would remain inoperable due to missing parts. I was told I would remain in the "Left Pocket" regardless because I was a pre-trial & could not be housed around sentenced inmates.

8.) On August 15<sup>th</sup>, 2020 I informed an unidentified SHU officer that I had not showered in over 4 days & started to develop an allergic skin reaction more than likely caused by the filthy conditions, excess mold, &/or the rusty bed in the cell. <sup>He agreed to move me</sup> because he needed it for an inmate playing with feces & "that was an observation cell & I wasn't supposed to be in anyways".

9.) On August 19<sup>th</sup>, officer Westbrook ordered me to pack up because he had to move me back in the "Left Pocket". He claimed his supervisor wanted me in that cell despite its conditions. Before entering the cell both Westbrook & I noticed that large sections of the walls



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## II. Statement of Claim Continued...

Window had been covered with feces. After refusing to enter Mr. Westbrook stated "it was no big deal its just a little shit, ill get you some chemicals." That was not enough to make me enter the cell so he threatened to call Lt. & make my stay in SHU longer. Even after complying Westbrook failed to give me any cleaning supplies claiming none were available. Westbrook consistently denied both cell sanitation & rec time for the remaining months he worked the SHU.

10.) Eventually the walls were wiped down with water & toothpaste yet the smell & brown tint of feces remained. On August 25<sup>th</sup> I was seen at sick call for the worsened skin infection & was not moved to a cell with a working shower until new warden C. Nash ordered so on August 31<sup>st</sup> after witnessing the conditions of the cell.

11.) I was finally moved to a regular cell without a rusty metal bed frame impeding mobility & after 12 consecutive days & 5 before that finally had access to a shower. Regardless, I was quickly reminded from my initial 2 week stay that conditions were not much different. Mice, spider, & cockroach infestations were severe in SHU. On an average day one can squash atleast 30 roaches & still not be safe from them swarming & crawling over you at night. Some even large enough to be easily mistaken for mice.

12.) There is a policy in place so that we are rotated into random cells every 2-3 weeks yet the conditions are the same in general. There is black mold covering the vents,



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## V. Statement of Claims Continue...

Sections of the walls & showers. Every different cell I was put in had filthy mildewy & mold covered shower stalls. The black spots on the walls were obvious to the naked eye. SHU staff & admin never made an effort to clean or Sanitize & very seldomly, if ever did they provide us with cleaning supplies to do so ourself.

13.) The decrepit state of the cells & the building in general makes living conditions in SHU @ USP of ATL comparable to those of a slum prison in a third world country. The doors are rusted on the inside of the cells as well as the bed frames. There are many large holes & crevices uncovered for vermin & insects to thrive in. There is no mirrored surface to see ones reflection nor do we have access to one on commissary to buy one. The cells lack desk or surfaces on which to sit & write as well as lockers to store property safely. During the winter months, for inexplicable reasons, perspiration from the windows constantly drip puddles of water in the bottom range cells.

14.) 2 out of every 3 cells I've been housed in have some type of continuous leak either from the sink/toilet, Shower, & /or even the fire sprinkler. Likewise most cells have clogged drains & /or toilets that maintenance are unable to fix. Until more recently that this facilities SHU is no longer over populated, we were made to live in those cells regardless; showering in filthy back up drain water & having to endure foul smells from backed up toilets even defecating in bags several days until other cells became available.

15.) Administration & maintenance are aware that the plumbing system is obsolete & decrepit, admitting "they don't need



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## V. Statement of Claims Continued...

new parts, they need a whole new prison". Starting around the end of August <sup>2021</sup> for 3 or more months we were deprived of hot-water & forced to take very cold showers. Maintenance officers, Lt. Williams, Lt. Arnold, Cpt. Camareno, Unit Manager Peterson/Dorsey & Jail Admin <sup>Whitehead</sup> claimed there was nothing that could be done about it. To this date there is no secret, according to Warden Nash in April of 2021, that "this building is falling apart". SHU supervisors have finally closed many of the cells back here with labels on the doors stating "inoperable", yet many of the shower drains are still backed up forcing us to stand in filthy water. 16.) on or about late November all inmates were moved to the up-stairs tier cells after months of being closed for supposed painting & repairs. Several inmates & I began to voice our complaints after realizing both sink & shower emitted brown water with a peculiar chemical scent. We were told to "Just run the water & it would go away". A week later the water still had a yellowish tint to it with the same odor but SHU supervisors Lt. Arnold, & Cpt. Camareno asserted it was just old pipes. Throughout the next month inmates on the range, myself included, began to experience the worst migraines, constant diarrhea, & severe breakouts of rashes & bumps. Arnold, Camareno, & Whitehead continued to deny a clean water source knowing our only water available was contaminated. This is not the first time inmates were forced to drink toxic water @ USP of ATL. This is not the first time inmates were forced to drink contaminated water.



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## V. Statement of Claims Continued...

17.) Cell sanitation & supply issuance is unheard of to this date in this SHU. The difference is that now, for the most part, officers do spray the showers & toilet every other cell rotation but in my previous 18 month stay this occurred on less than ~~13~~ 6 occasions. Even then the majority of those instances we were only issued a few "shower pods" in a cup, which is really hand soap & told to disinfect with those.

18.) Staff consistently claimed the deprivation of cell sanitation supplies was due to BOP's lack of funds, however, inmate workers would reveal that was a lie & they were just too lazy to pass them out. This became an issue sometime in late January or early February of 2021 around 8pm, while housed in cell 202 upper when all inmates were told to pack up for cell rotation. Every <sup>inmate</sup> realized that, as usual, the officials attempting to move us did not have sanitation supplies at hand nor did they intend to issue.

19.) Several inmates, myself included, declared we would not continue moving into cells occupied by others during a world wide pandemic without some type of disinfectant. This was necessary after formal move out request were denied. Instead of taking our health concerns into consideration staff assembled a team of 10 or more officers approaching us with threats to "beat our ass & make us move".

20.) No actual force was used nor necessary because we complied after Lt. Williams gave his word on bringing down supplies from another unit. On this night only the inmates that rose complaints were moved. The camera will show Williams scanning the range for the filthiest, most moldy, smoke polluted cell he could



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## IV. Statement of Claim Continued...

find to move me & my cell mate into. This is one of the cell exchanges in which eventually all we were issued to sanitize were soap pads.

Another example of how staff were deliberate indifferent to our health & safety is SHU camera footage of staff not implementing the use of mask during pandemic necessary procedures i.e. feeding trays. I contracted Covid-19 while in SHU in December of 2021.

21.) SHU staff did not pass out razors or give any opportunity to shave/cut hair until after sending complaints out through other pre-trial inmates lawyers so malicious mail handlers at the facility could not intercept them. For the first 9 months of 2021 I was denied hair cuts & my hair shagged past my ears.

22.) In fact, these complaints signed under oath sent to different outside agencies had a significant effect in SHU conditions.

Prior to this SHU staff rarely if ever ran any type of clothing exchange & laundry services were unheard of. Any of the numbered occasions we were issued clothing exchange items they were so torn, ragged, & mismatched we were better off hand washing anyways.

23.) We were compelled to wash using shower pads & regular bar soap in the sink &/or toilet. Some inmates also discovered that although the only tooth paste allowed in SHU was bad for brushing teeth it could be used to wash clothing. This activity & improvised form of having clean laundry got us scolded & subjected to disciplinary action. After Cpt. Camarena took over SHU operations on April 15<sup>th</sup>, 2021 having clean laundry was rare due to fear of being stripped of clothing & put on



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## IV. Statement of Claim Continued...

Stripped cell status if caught with a clothes line up  
24.) To make matters worse there is no hygiene access in SHU commissary & we were issued inadequate items every other week. To this date one must go with foul breath & pungent under-arm odor due to only having access to BOP issued "fresh-mint" toothpaste & "fresh-cent" stick deodorant that does the exact opposite of freshening one up perhaps intensifying bad breath & body odor. Soap to wash ones body was also scarce due to inmates having to handwash clothing.

25.) The air ventilation in SHU is inadequate allowing mold & mildew to thrive & circulate toxic second hand smoke throughout the whole unit from whatever it is inmates smoke. It is public knowledge that USP of ATL is flooded with drugs & a strong chemical drug known as K2. It is highly addictive & emits a strong chemical smell when smoked. Before my late September complaints were sent out SHU staff & prison administrators seemed indifferent to the vast number of inmates slumped out in their cells in a Zombie State & the continuous smoke shooting from every other cells door like a chimney. At best orderlys were instructed to plug up fans during staff walk throughs to dilute smoke.

26.) It was obvious that defendants preferred to see inmates in such stupor than to hear them complain by the rapid "peek in then rush past your cell" manner in which administrators conduct weekly walk throughs. Nash & Whitehead did not like being burdened & Lt. Odhambo blatantly orders to "smoke our dope & lay down" when we demanded out-of-cell rec time.



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## V. Statement of Claims (Continued)...

27.) The pungent toxic exhaled smoke & smoke from toilet paper wicks burning all day created an ~~odor~~ odor strong enough to smell it coming out in the hall way before even turning into the SHU corridor. The unit was referred to by staff & admin as "the Smoke House Unit." The atmosphere & toxic air that were circulated both inside & outside the cells was strong enough to permeate through, staff, & stiffen Covid-19 warning & mask use signs that were posted on walls through the unit in late 2020. I discovered this in October of 2021 when I was given permission out of my cell to work on painting the empty unit. By this time the USP of ATL was a ghost town housing only 250 or so inmates due to DoJ intervening in its operations to stop corruption & inhumane treatments. As I removed the visibly smoked covid signs tapper to the walls I put them under the cameras for future evidentiary review.

28.) Despite the constant exposure to toxic smoke & the poor living conditions of the cell we were deprived of virtually all out-of-cell exercise, fresh-air, sun-light access, or any meaningful social interaction & environmental stimuli until my grievances & crys for help made it to the appropriate authorities around late september of 2021.

29.) Rec. Officer Johnson claimed there were not enough cages available for all inmates requesting to participate in rec time & to my best recollection offered rec on less than 5 occasions in the first 14 or so months of this 18 month confinement. When requesting rec he would also claim we were only



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## V. Statement of Claims Continued...

entitled to rec "mondays & wednesday, if & when enough staff was available" & consistently declared they were short staffed or the "cages are full" excuse. On September 22<sup>nd</sup>, 2020 you can see Johnson making a very silent round @ approx 5:30 am offering rec before breakfast. I was up during the sneak round & asked to be put on the rec list waiting for hours only to be told the cages were full.

30.) After many inmates & I made complaints to SHU supervisors & Administrators such as Nash, Whitehead, Brownfield, Odhambo, Harris, & Arnold ~~Johnson~~ they also concurred providing the short staff not enough cages excuses. Lt. William would state he had no say so in SHU operations, but as Lt. over the whole facility - he did. Eventually Johnson began to offer rec while I was housed in 235 or 237 upper. He would express his disapproval of my verbal & formal grievances while ramsaking our cell, tearing legal documents, & confiscating books claiming we had too many. It became evident that he would continue to harass us in attempt to discourage complaints & requesting recreation.

31.) Finally by late October an outstanding officer & humane individual, CO Bauvar, was given the position of rec officer & insured us a minimum of 4 hours of Rec a week. This minimum longer provision was appreciated until December 2021 when the temperature started dropping. Many SHU inmates familiar with BOP operations complained & requested winter jackets as they were @ every other facility. When bringing this request to Cpt. Camarero & Lt. during a December walk-through they



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## V. Statement of Claims Continued...

claimed "they didn't have any to issue @ this institution & if we wanted rec would have to tuff it out or do without. I stepped foot out on the rec yard one last time in February enduring corporal punishment from frigid temperatures.

32.) To this date the meager meals served in SHU have not gained much nutritional value since my initial confinement. By custom the SHU gets "the bottom of the barrel". We are served bad fruit & spoiled milk almost on a daily basis. The portions on the trays are only served adequately when there are visitors @ the facility. Spoons were seldomly provided for the first 14 months of my previous 18 month confinement & if you were not aware that they were not, provided upon request & or forgot & discarded it, then you may go over 5 days eating with your hands until spoons are issued.

33.) Before the dramatic improvements made October of 2021 it was not uncommon to find a live or dead cockroach in your meal every other day. Although not as frequent as before this an issue to this date in addition to what is believed to be vermin droppings. Officers do not replace trays even if contaminated & made aware of its inedibility. Nash, Whitehead, Brownfield & Lt's remained indifferent.

34.) It is no surprise that I went from a solid 210 to a scrawny 175 lbs in a matter of weeks after being re-admitted to SHU. The conditions of confinement of this unit & defendant's deliberate indifference to the obvious have taken its toll on my physical & mental health. I endure constant back & neck pain & my joints went stiff & rigid from infrequent use. I have suffered from heart burn, constipation, diarrhea, & stomach cramps perceived to be hunger pains.



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## V. Statements of Claim Continued...

35.) Due to unsanitary conditions I suffer from an on-going foot fungus infection & other skin rashes & constant breakouts that med staff will not treat & do nothing other than recommend I buy over the counter medication for. This is also their response for treating constant body aches & excruciating migraines. On the rare medical sick-calls I've been granted I've been told my blood pressure is high & abnormal. My cell mates often inform me that I wheeze a lot while straining to breathe in my sleep. Most if not all of these ailments & request for treatments have been ignored by medical staff. A separate suit on medical indifference has been filed & pending in this District (See: ZAVALA V. SPINDLE ET AL. Case No. 1:20-cv-04416-SDG-RDC)

36.) Within the first month of this prolonged confinement I became lethargic & fell into a severe state of depression. Physical pain & uncontrollable anxiety have caused serious sleep deprivations from insomnia & hypervigilance. My stressed nerves cause jittery movements & communication/social skills have dwindled even ending up on suicide watch on several occasions. To this date I am taking different anti-depressants & anxiety meds I was prescribed mid 2021. I was also placed on the psychology case load & Doctors now check on my state concerned of previous acts of slinging feces, self-harm, & setting fires during moments of distress & hearing voices.

37.) I believe the fact that I'm a federal detainee @ this facility while not convicted of any federal charges makes this confinement unconstitutional. But worse the only notice, hearing, & sanction I



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## II. Statement of Claims Continued...

received was originally for a 30 day confinement. On September 18<sup>th</sup>, 2020 during a walk-through inspection I stopped warden Nash & Jail Administrator Whitehead to inform them I was being held in SHU past the 30 day sanction received at my August, 13<sup>th</sup> disciplinary hearing. The obvious abuse stated punitive conditions I was held in & medical care denials were also stressed to them.

38.) Both administrators agreed with each other while informing me that I would have to wait for bed space in the Detention Unit & even though the issues I raised were legitimate "I should just be glad to have a working shower in my cell." Before leaving my door I requested urgently needed grievance forms which were denied. They insisted it was my counselors duty having full knowledge she never did rounds in SHU. Any form obtained at this time was thanks to inmate sources. I tried submitting one to no avail.

39.) Throughout September & all up until December 17<sup>th</sup>, 2021. I made numerous verbal request to Johnson, Westbrook, Nash, Whitehead, Odhambo for conditions that met standards of decency & a release to my respective Pre-Trial Detention Center Unit. At each walk through I was denied grievance forms or refused acceptance of forms with the same excuses. It wasn't until December 17<sup>th</sup>, when Whitehead, Odhambo, & Brownfield (who had not made a round in a long time) that I was informed I was a "high custody" & would remain in SHU "until further notice". During this time I voiced the need for relief on the above stated issues while turning in another form obtained from inmates. Cpt. Brownfield was notified that prior forms were not processed or acknowledge



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## V. Statement of Claim Continued . . .

, that my counselor failed to do rounds & when she did failed to provide forms & that other staff was of no assistance as well, even refusing to accept the grievances I obtained on my own. He ordered Ms. Whitehead to insure my form was processed & to provide more. She issued one claiming I could only grieve one issue at a time but the one submitted that day was never responded.

40.) Despite of endless request Warden Nash was of no assistance getting relief from medical conditions & SHU conditions until the time she left at the end of spring 2021. On January 4<sup>th</sup>, 2021 I presented the above stated issue to new SHU Lt. Harris who assured me he would have them addressed in due time but he could do nothing about my placement. Sometime before Easter of 2021, with no end to my confinement in sight, I became a psychological mess & ended up on suicide watch after a big ~~shower~~ fire was set. By this time defendants Nash, Whitehead, Brownfield, Harris, Odihambo, Johnson, Westbrook, Williams, & Arnold had sufficient knowledge that the obvious inhumane conditions were causing physical ailments & emotional distress.

41.) By April 15<sup>th</sup>, 2021 I was introduced to the new Cpt. over SHU operations Camarena, who flipped out & punched my cell door @ 205 or 206 upper because I had a sign on the window requesting relief & grievance forms to exhaust internal remedies. Explaining to Camarena that nothing else would get my needs met & showing him my obvious medical emergency was not enough to stop him from entering my cell, shuffling & tearing up legal work, & scattering everything out into the range. As he escorted my cell mate,



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## V. Statement of Claims Continued...

I to the intake area to be scanned for contraband we voiced the need for urgent relief from above mentioned violations. I demanded he figure out how much longer I would be held under such inhumane conditions without due-process of law. Mr. Camareno acknowledged I had legitimate issues & that he would take over from then on but I would remain in SHU until further notice. He then ordered I be deprived of all property, including hygiene, & given paper garments to wear for 3 days because we had clothes hanging out to dry.

42.) From then on I would check-up with Camareno, Harris, Williams, & Arnold on my release status every other month & point out SHU conditions had not improved at all since their arrival. Throughout the spring & summer of 2021 defendants would provide the same excuse MS. Nash did after the Easter fire. "We know this prison is a mess, you should have stayed out of trouble so you did not have to come here."

43.) In late July Lt. Arnold ordered that I be deprived of all property including hygiene items, & placed in the left pocket observation cell for 3 day for no reason other than "not calming my cell down" during an argument with staff literally about spoiled milk. The conditions of the left pocket are the same to this date but its now closed with a sign stating "NO SHOWER". Both Lt. Arnold & Cpt. Camareno were continuously bothered with my request for relief throughout the summer & relief did not come in the slightest form until mid-october after my complaints made it to outside authorities. By September 2021 Arnold & Camareno would claim "all I do is complain" when requesting



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## V. Statement of Claims (Continue... relief.

44.) Ms. Whitehead became fed up with my constant complaints & attempts to use the administrative remedy program & by early march 2021 she introduced me to Unit manager Peterson / Dorsey claiming she would address my concerns. Throughout the summer I also brought my petitions for humane conditions & grievances to Ms. Peterson to no avail. She was aware that the obvious hazardous conditions were deteriorating my physical & mental health. Also that I was not given any hearing or periodic review for the additional time I was confined under such punitive conditions. Peterson declared my confinement was due to investigations & there was nothing she could do about conditions because "there was a lot going on at the institution".

45.) Request for relief from these inhumane conditions & deprivation of liberty without any notice, hearing, & paper-work stating a justification, were made to several other officials & the SE region office to no avail. Nevertheless the direct responsibility for my care & treatment & the violation of my 5<sup>th</sup>, 8<sup>th</sup>, & 14<sup>th</sup> Amendment Rights under the U.S. Constitution were at all times due to the acts & omissions of each defendant in both their official & individual capacities while working for the BOP @ USP of ATL under color of federal law. I have logged & can cite endless incidents on Camara where I confronted staff making verbal prayers for relief & submitted grievances they refused to process.

46.) At all times each defendant had full knowledge of the hazardous conditions of confinement & the unreasonable



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## V. Statement of Claim Continued . . .

level of harm they posed to my past, present, & future physical & mental health. The BOP & its staff, through extensive training, understands & knows that the treatment federal prisoners receive in prison & the conditions under which I was confined are subject to scrutiny under the 8<sup>th</sup> Amendments of the US constitution. Lt. Williams did not acknowledge my prayers for relief until after my complaints were sent out through a peers attorney so they could not be intercepted by corrupt mail handlers seeking retaliation. In late October Williams even offered me an opportunity out of my cell to point the claim. Every defendant, together through deliberate acts or callous indifference are liable for these cruel & unusual punishments in violation of the 8<sup>th</sup> AUSC.

17.) All defendants aside from Johnson & Westbrook had a duty to provide me a notice, periodic review, or significant hearing in which I could be present & know why & for how long I would be confined in such punitive conditions. All officials at some point denied me these rights through misleading statements & it was not until Peterson/Parsey informed me I was under "investigation" that I had any clear idea of what was happening. Nonetheless, I was due some type of procedural process before taking my liberty & confining me to atypical hardships but refused such.

18.) The violation of rights & damages therefrom could have been mitigated but the custom of staff & administrators @ USP of ATL was, & still is to create barriers to the successful exhaustion of Administrative Remedies. After persisting against their corrupt obstructions I was not only threatened with physical harm & for my circumstances be made worse, but actually retaliated against by the



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## V. Statement of Claim

the malicious interception & mishandling of both legal & personal mail. Assuming this complaint makes it to this Hon. Court I'm prepared to prove all allegations through witness affidavits & logs of dates, times, & location for camera review. Administrative remedy unavailability & retaliations for persisting on its use will also be exposed. This Court should also note that I am currently in SHU deprived of law-library access. 1<sup>st</sup> Amendment claims coming soon. These fine folks are even refusing to provide writing materials! x END OF STATEMENT x

Respectfully,  
JUAN ZAPATA



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SEE Previous attached pages  
- 1 through 18

DZ

DZ

DZ

DZ

## VII. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Physical & Psychological injuries described  
in section II statement of claims

## VIII. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes. If requesting money damages, include the amounts of any actual and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

1.) I pray this court grants a declaration that the acts & omissions described herein violate my rights under the constitutions & laws of the United States. 2.) a preliminary & permanent injunction ordering current SHU staff & admin to remedy on going issues & have the water tested immediately. 3.) I'm seeking compensatory damages in the amount of \$13,000 per every month of physical & psychological injuries, & emotional distress endured from this punitive confinement under the custody of each defendant as well as \$7,000 per month in punitive damages against each defendant jointly & severally. 4.) The right to a jury trial is demanded for all issues triable by a jury of my peers. 5.) I'm also seeking cost in this suit & all or any



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additional relief this court deems, just, proper,  
& equitable.  
The basis of these claims are calculated  
from the amount of time I spent enduring harm  
to my past, present, & future physical & mental  
health without any due process of law granted.  
~~07 02 07 07 07~~

Signed this 22 day of JULY, 20 22.

SALEH ZAHALA  
Signature of Plaintiff

STATE OF Georgia  
COUNTY (CITY) OF Fulton

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON July, 22, 2022  
(Date)

SALEH ZAHALA  
Signature of Plaintiff